

PAUL J. MAGINOT  
HAROLD C. MOORE  
MICHAEL D. BECK  
DAVID M. LOCKMAN &  
DAVID B. QUICK  
JAMES D. WOOD  
RUSSELL E. FOWLER II

• GEORGIA BAR ONLY

**MAGINOT, MOORE & BECK LLP**

PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3000  
INDIANAPOLIS, INDIANA 46204-5115

TELEPHONE (317) 638-2922

FACSIMILE (317) 638-2139

**RECEIVED**  
**CENTRAL FAX CENTER**

**APR 05 2005****FACSIMILE COVER SHEET**

To: EXAMINER PEDRO Philogene

Fax #: 703-872-9306

Company: USPTO - ART UNIT 3732

From: MICHAEL D. BECK

Date: APRIL 5, 2005

Number of Pages: 12 (including cover sheet)

MESSAGE: PRELIMINARY AMENDMENT  
10/667,540

The information contained in this facsimile message is *privileged and confidential*, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of the communication is strictly prohibited. If you receive the communication in error, please immediately notify this office by collect telephone call and return the original message to this office at the address shown above via United States Postal Service. Thank you for your cooperation.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/667,540	
	Filing Date	September 22, 2003	
	First Named Inventor	Lawrence Boyd	
	Art Unit	3732	
	Examiner Name	Pedro Philogene	
Total Number of Pages in This Submission	11	Attorney Docket Number	1842-0024

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Maginot, Moore & Beck, LLP		
Signature	<i>Michael D. Beck</i>		
Printed name	Michael D. Beck		
Date	April 5, 2005	Reg. No.	32,722

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Michael D. Beck</i>	
Typed or printed name	Michael D. Beck	Date April 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006, OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL  
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 575.00

**Complete if Known**

Application Number	10/667,540
Filing Date	September 22, 2003
First Named Inventor	Lawrence Boyd
Examiner Name	Pedro Philogene
Art Unit	3732
Attorney Docket No.	1842-0024

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 13-0014 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>				
Each claim over 20 (including Reissues)	50	25				
Each independent claim over 3 (including Reissues)	200	100				
Multiple dependent claims	360	180				
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP = 15	x 25	= 375.00				
HP = highest number of total claims paid for, if greater than 20.						
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
- 3 or HP = 2	x 100	= 100.00				
HP = highest number of independent claims paid for, if greater than 3.						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =		/ 50 =	(round up to a whole number) x	

**4. OTHER FEE(S)**

Non-English Specification. \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**SUBMITTED BY**

Signature	<i>Michael D. Beck</i>	Registration No. (Attorney/Agent)	32,722	Telephone	317-638-2922
Name (Print/Type)	Michael D. Beck			Date	April 5, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1842-0024

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Boyd et al. )  
Application No.: 10/667,540 ) Examiner: Pedro Philogene  
 ) Art Unit: 3732  
Filed: September 22, 2003 ) Confirmation No.: 9957  
 )  
DEVICES AND METHODS FOR THE )  
RESTORATION OF A SPINAL DISC ) April 5, 2005

**RECEIVED**  
**CENTRAL FAX CENTER**  
**APR 05 2005**

**PRELIMINARY AMENDMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Prior to examination of the above-identified application, Applicants respectfully submit the following preliminary amendment. The Commissioner is authorized to deduct \$575.00 from Deposit Account No. 13-0014 for the small entity claim fees under 37 C.F.R. §§1.16(b), (c) for two (2) additional independent claim2 (\$200.00) and fifteen (15) additional claims (\$375.00). The Commissioner is further authorized to deduct any additional amounts due (excluding the issue fee) or to credit any overpayment to Deposit Account 13-0014.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on April 5, 2005 to the central facsimile number 703-872-9306.



Signature

Michael D. Beck

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.